

AMENDED IN ASSEMBLY MARCH 1, 2012

AMENDED IN SENATE MAY 25, 2011

AMENDED IN SENATE MAY 11, 2011

AMENDED IN SENATE APRIL 28, 2011

SENATE BILL

No. 594

Introduced by Senator Wolk
(Coauthor: Senator Blakeslee)
(Coauthor: Assembly Member Williams)

February 17, 2011

An act to amend Sections 101150 and 101160 of, and to add Sections 101161 and 101162 to, the Health and Safety Section 2827 of the Public Utilities Code, relating to ~~public health~~ energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 594, as amended, Wolk. ~~Local public health laboratories. Energy:~~
net energy metering.

Existing law relative to private energy producers requires every electric utility, as defined, to make available to an eligible customer-generator, as defined, a standard contract or tariff for net energy metering on a first-come-first-served basis until the time that the total rated generating capacity used by eligible customer-generators exceeds 5% of the electric utility's aggregate customer peak demand. Existing law requires the electric utility, upon an affirmative election by the eligible customer-generator to receive service pursuant to this contract or tariff, to either: (1) provide net surplus electricity compensation for any net surplus electricity generated in the 12-month period, or (2) allow the eligible customer-generator to apply the net

surplus electricity as a credit for kilowatthours subsequently supplied by the electric utility to the surplus customer-generator.

This bill would authorize an eligible customer-generator with multiple meters to elect to aggregate the electrical load of the meters located on the property where the generation facility is located and on all property adjacent or contiguous to the property on which the generation facility is located, if those properties are solely owned by the eligible customer-generator, as provided. This bill would prohibit an eligible customer-generator that chooses to aggregate from receiving net surplus electricity compensation and require the electric utility to retain kilowatthours, as prescribed.

~~Existing law establishes the State Department of Public Health and sets forth its powers and duties relating to the prevention and control of disease, including, but not limited to, the duty to approve local public health laboratories.~~

~~This bill would recast those provisions to specify the duties of the local public health laboratories, to require the department to develop the examination for the certificate of public health microbiologist for public health laboratories in consultation with the California Association of Public Health Laboratory Directors, to require the department to adopt regulations related to training laboratories and continuing education requirements, and to define related terms. The bill would authorize the department to charge a fee as specified for providing, approving, and monitoring the continuing education program.~~

~~By requiring local agencies to comply with these certification requirements, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 2827 of the Public Utilities Code is*
2 *amended to read:*

1 2827. (a) The Legislature finds and declares that a program
2 to provide net energy metering combined with net surplus
3 compensation, co-energy metering, and wind energy co-metering
4 for eligible customer-generators is one way to encourage substantial
5 private investment in renewable energy resources, stimulate in-state
6 economic growth, reduce demand for electricity during peak
7 consumption periods, help stabilize California's energy supply
8 infrastructure, enhance the continued diversification of California's
9 energy resource mix, reduce interconnection and administrative
10 costs for electricity suppliers, and encourage conservation and
11 efficiency.

12 (b) As used in this section, the following terms have the
13 following meanings:

14 (1) "Co-energy metering" means a program that is the same in
15 all other respects as a net energy metering program, except that
16 the local publicly owned electric utility has elected to apply a
17 generation-to-generation energy and time-of-use credit formula
18 as provided in subdivision (i).

19 (2) "Electrical cooperative" means an electrical cooperative as
20 defined in Section 2776.

21 (3) "Electric utility" means an electrical corporation, a local
22 publicly owned electric utility, or an electrical cooperative, or any
23 other entity, except an electric service provider, that offers electrical
24 service. This section shall not apply to a local publicly owned
25 electric utility that serves more than 750,000 customers and that
26 also conveys water to its customers.

27 (4) "Eligible customer-generator" means a residential customer,
28 small commercial customer as defined in subdivision (h) of Section
29 331, or commercial, industrial, or agricultural customer of an
30 electric utility, who uses a renewable electrical generation facility,
31 or a combination of those facilities, with a total capacity of not
32 more than one megawatt, that is located on the customer's owned,
33 leased, or rented premises, and is interconnected and operates in
34 parallel with the electric grid, and is intended primarily to offset
35 part or all of the customer's own electrical requirements.

36 (5) "Renewable electrical generation facility" means a facility
37 that generates electricity from a renewable source listed in
38 paragraph (1) of subdivision (a) of Section 25741 of the Public
39 Resources Code. A small hydroelectric generation facility is not
40 an eligible renewable electrical generation facility if it will cause

1 an adverse impact on instream beneficial uses or cause a change
2 in the volume or timing of streamflow.

3 (6) “Net energy metering” means measuring the difference
4 between the electricity supplied through the electric grid and the
5 electricity generated by an eligible customer-generator and fed
6 back to the electric grid over a 12-month period as described in
7 subdivisions (c) and (h).

8 (7) “Net surplus customer-generator” means an eligible
9 customer-generator that generates more electricity during a
10 12-month period than is supplied by the electric utility to the
11 eligible customer-generator during the same 12-month period.

12 (8) “Net surplus electricity” means all electricity generated by
13 an eligible customer-generator measured in kilowatthours over a
14 12-month period that exceeds the amount of electricity consumed
15 by that eligible customer-generator.

16 (9) “Net surplus electricity compensation” means a per
17 kilowatthour rate offered by the electric utility to the net surplus
18 customer-generator for net surplus electricity that is set by the
19 ratemaking authority pursuant to subdivision (h).

20 (10) “Ratemaking authority” means, for an electrical
21 corporation, the commission, for an electrical cooperative, its
22 ratesetting body selected by its shareholders or members, and for
23 a local publicly owned electric utility, the local elected body
24 responsible for setting the rates of the local publicly owned utility.

25 (11) “Wind energy co-metering” means any wind energy project
26 greater than 50 kilowatts, but not exceeding one megawatt, where
27 the difference between the electricity supplied through the electric
28 grid and the electricity generated by an eligible customer-generator
29 and fed back to the electric grid over a 12-month period is as
30 described in subdivision (h). Wind energy co-metering shall be
31 accomplished pursuant to Section 2827.8.

32 (c) (1) Every electric utility shall develop a standard contract
33 or tariff providing for net energy metering, and shall make this
34 standard contract or tariff available to eligible customer-generators,
35 upon request, on a first-come-first-served basis until the time that
36 the total rated generating capacity used by eligible
37 customer-generators exceeds 5 percent of the electric utility’s
38 aggregate customer peak demand. Net energy metering shall be
39 accomplished using a single meter capable of registering the flow
40 of electricity in two directions. An additional meter or meters to

1 monitor the flow of electricity in each direction may be installed
2 with the consent of the eligible customer-generator, at the expense
3 of the electric utility, and the additional metering shall be used
4 only to provide the information necessary to accurately bill or
5 credit the eligible customer-generator pursuant to subdivision (h),
6 or to collect generating system performance information for
7 research purposes relative to a renewable electrical generation
8 facility. If the existing electrical meter of an eligible
9 customer-generator is not capable of measuring the flow of
10 electricity in two directions, the eligible customer-generator shall
11 be responsible for all expenses involved in purchasing and
12 installing a meter that is able to measure electricity flow in two
13 directions. If an additional meter or meters are installed, the net
14 energy metering calculation shall yield a result identical to that of
15 a single meter. An eligible customer-generator that is receiving
16 service other than through the standard contract or tariff may elect
17 to receive service through the standard contract or tariff until the
18 electric utility reaches the generation limit set forth in this
19 paragraph. Once the generation limit is reached, only eligible
20 customer-generators that had previously elected to receive service
21 pursuant to the standard contract or tariff have a right to continue
22 to receive service pursuant to the standard contract or tariff.
23 Eligibility for net energy metering does not limit an eligible
24 customer-generator's eligibility for any other rebate, incentive, or
25 credit provided by the electric utility, or pursuant to any
26 governmental program, including rebates and incentives provided
27 pursuant to the California Solar Initiative.

28 (2) An electrical corporation shall include a provision in the net
29 energy metering contract or tariff requiring that any customer with
30 an existing electrical generating facility and meter who enters into
31 a new net energy metering contract shall provide an inspection
32 report to the electrical corporation, unless the electrical generating
33 facility and meter have been installed or inspected within the
34 previous three years. The inspection report shall be prepared by a
35 California licensed contractor who is not the owner or operator of
36 the facility and meter. A California licensed electrician shall
37 perform the inspection of the electrical portion of the facility and
38 meter.

39 (3) (A) On an annual basis, every electric utility shall make
40 available to the ratemaking authority information on the total rated

1 generating capacity used by eligible customer-generators that are
2 customers of that provider in the provider's service area and the
3 net surplus electricity purchased by the electric utility pursuant to
4 this section.

5 (B) An electric service provider operating pursuant to Section
6 394 shall make available to the ratemaking authority the
7 information required by this paragraph for each eligible
8 customer-generator that is their customer for each service area of
9 an electrical corporation, local publicly owned electrical utility,
10 or electrical cooperative, in which the eligible customer-generator
11 has net energy metering.

12 (C) The ratemaking authority shall develop a process for making
13 the information required by this paragraph available to electric
14 utilities, and for using that information to determine when, pursuant
15 to paragraphs (1) and (4), an electric utility is not obligated to
16 provide net energy metering to additional eligible
17 customer-generators in its service area.

18 (4) An electric utility is not obligated to provide net energy
19 metering to additional eligible customer-generators in its service
20 area when the combined total peak demand of all electricity used
21 by eligible customer-generators served by all the electric utilities
22 in that service area furnishing net energy metering to eligible
23 customer-generators exceeds 5 percent of the aggregate customer
24 peak demand of those electric utilities.

25 (d) Every electric utility shall make all necessary forms and
26 contracts for net energy metering and net surplus electricity
27 compensation service available for download from the Internet.

28 (e) (1) Every electric utility shall ensure that requests for
29 establishment of net energy metering and net surplus electricity
30 compensation are processed in a time period not exceeding that
31 for similarly situated customers requesting new electric service,
32 but not to exceed 30 working days from the date it receives a
33 completed application form for net energy metering service or net
34 surplus electricity compensation, including a signed interconnection
35 agreement from an eligible customer-generator and the electric
36 inspection clearance from the governmental authority having
37 jurisdiction.

38 (2) Every electric utility shall ensure that requests for an
39 interconnection agreement from an eligible customer-generator
40 are processed in a time period not to exceed 30 working days from

1 the date it receives a completed application form from the eligible
2 customer-generator for an interconnection agreement.

3 (3) If an electric utility is unable to process a request within the
4 allowable timeframe pursuant to paragraph (1) or (2), it shall notify
5 the eligible customer-generator and the ratemaking authority of
6 the reason for its inability to process the request and the expected
7 completion date.

8 (f) (1) If a customer participates in direct transactions pursuant
9 to paragraph (1) of subdivision (b) of Section 365, or Section 365.1,
10 with an electric service provider that does not provide distribution
11 service for the direct transactions, the electric utility that provides
12 distribution service for the eligible customer-generator is not
13 obligated to provide net energy metering or net surplus electricity
14 compensation to the customer.

15 (2) If a customer participates in direct transactions pursuant to
16 paragraph (1) of subdivision (b) of Section 365 with an electric
17 service provider, and the customer is an eligible
18 customer-generator, the electric utility that provides distribution
19 service for the direct transactions may recover from the customer's
20 electric service provider the incremental costs of metering and
21 billing service related to net energy metering and net surplus
22 electricity compensation in an amount set by the ratemaking
23 authority.

24 (g) Except for the time-variant kilowatthour pricing portion of
25 any tariff adopted by the commission pursuant to paragraph (4) of
26 subdivision (a) of Section 2851, each net energy metering contract
27 or tariff shall be identical, with respect to rate structure, all retail
28 rate components, and any monthly charges, to the contract or tariff
29 to which the same customer would be assigned if the customer did
30 not use a renewable electrical generation facility, except that
31 eligible customer-generators shall not be assessed standby charges
32 on the electrical generating capacity or the kilowatthour production
33 of a renewable electrical generation facility. The charges for all
34 retail rate components for eligible customer-generators shall be
35 based exclusively on the customer-generator's net kilowatthour
36 consumption over a 12-month period, without regard to the eligible
37 customer-generator's choice as to from whom it purchases
38 electricity that is not self-generated. Any new or additional demand
39 charge, standby charge, customer charge, minimum monthly
40 charge, interconnection charge, or any other charge that would

1 increase an eligible customer-generator's costs beyond those of
2 other customers who are not eligible customer-generators in the
3 rate class to which the eligible customer-generator would otherwise
4 be assigned if the customer did not own, lease, rent, or otherwise
5 operate a renewable electrical generation facility is contrary to the
6 intent of this section, and shall not form a part of net energy
7 metering contracts or tariffs.

8 (h) For eligible customer-generators, the net energy metering
9 calculation shall be made by measuring the difference between
10 the electricity supplied to the eligible customer-generator and the
11 electricity generated by the eligible customer-generator and fed
12 back to the electric grid over a 12-month period. The following
13 rules shall apply to the annualized net metering calculation:

14 (1) The eligible residential or small commercial
15 customer-generator, at the end of each 12-month period following
16 the date of final interconnection of the eligible
17 customer-generator's system with an electric utility, and at each
18 anniversary date thereafter shall, be billed for electricity used
19 during that 12-month period. The electric utility shall determine
20 if the eligible residential or small commercial customer-generator
21 was a net consumer or a net surplus customer-generator during
22 that period.

23 (2) At the end of each 12-month period, where the electricity
24 supplied during the period by the electric utility exceeds the
25 electricity generated by the eligible residential or small commercial
26 customer-generator during that same period, the eligible residential
27 or small commercial customer-generator is a net electricity
28 consumer and the electric utility shall be owed compensation for
29 the eligible customer-generator's net kilowatthour consumption
30 over that 12-month period. The compensation owed for the eligible
31 residential or small commercial customer-generator's consumption
32 shall be calculated as follows:

33 (A) For all eligible customer-generators taking service under
34 contracts or tariffs employing "baseline" and "over baseline" rates,
35 any net monthly consumption of electricity shall be calculated
36 according to the terms of the contract or tariff to which the same
37 customer would be assigned to, or be eligible for, if the customer
38 was not an eligible customer-generator. If those same
39 customer-generators are net generators over a billing period, the
40 net kilowatthours generated shall be valued at the same price per

1 kilowatthour as the electric utility would charge for the baseline
2 quantity of electricity during that billing period, and if the number
3 of kilowatthours generated exceeds the baseline quantity, the excess
4 shall be valued at the same price per kilowatthour as the electric
5 utility would charge for electricity over the baseline quantity during
6 that billing period.

7 (B) For all eligible customer-generators taking service under
8 contracts or tariffs employing time-of-use rates, any net monthly
9 consumption of electricity shall be calculated according to the
10 terms of the contract or tariff to which the same customer would
11 be assigned, or be eligible for, if the customer was not an eligible
12 customer-generator. When those same customer-generators are
13 net generators during any discrete time-of-use period, the net
14 kilowatthours produced shall be valued at the same price per
15 kilowatthour as the electric utility would charge for retail
16 kilowatthour sales during that same time-of-use period. If the
17 eligible customer-generator's time-of-use electrical meter is unable
18 to measure the flow of electricity in two directions, paragraph (1)
19 of subdivision (c) shall apply.

20 (C) For all eligible residential and small commercial
21 customer-generators and for each billing period, the net balance
22 of moneys owed to the electric utility for net consumption of
23 electricity or credits owed to the eligible customer-generator for
24 net generation of electricity shall be carried forward as a monetary
25 value until the end of each 12-month period. For all eligible
26 commercial, industrial, and agricultural customer-generators, the
27 net balance of moneys owed shall be paid in accordance with the
28 electric utility's normal billing cycle, except that if the eligible
29 commercial, industrial, or agricultural customer-generator is a net
30 electricity producer over a normal billing cycle, any excess
31 kilowatthours generated during the billing cycle shall be carried
32 over to the following billing period as a monetary value, calculated
33 according to the procedures set forth in this section, and appear as
34 a credit on the eligible commercial, industrial, or agricultural
35 customer-generator's account, until the end of the annual period
36 when paragraph (3) shall apply.

37 (3) At the end of each 12-month period, where the electricity
38 generated by the eligible customer-generator during the 12-month
39 period exceeds the electricity supplied by the electric utility during
40 that same period, the eligible customer-generator is a net surplus

1 customer-generator and the electric utility, upon an affirmative
2 election by the net surplus customer-generator, shall either (A)
3 provide net surplus electricity compensation for any net surplus
4 electricity generated during the prior 12-month period, or (B) allow
5 the net surplus customer-generator to apply the net surplus
6 electricity as a credit for kilowatthours subsequently supplied by
7 the electric utility to the net surplus customer-generator. For an
8 eligible customer-generator that does not affirmatively elect to
9 receive service pursuant to net surplus electricity compensation,
10 the electric utility shall retain any excess kilowatthours generated
11 during the prior 12-month period. The eligible customer-generator
12 not affirmatively electing to receive service pursuant to net surplus
13 electricity compensation shall not be owed any compensation for
14 the net surplus electricity unless the electric utility enters into a
15 purchase agreement with the eligible customer-generator for those
16 excess kilowatthours. Every electric utility shall provide notice to
17 eligible customer-generators that they are eligible to receive net
18 surplus electricity compensation for net surplus electricity, that
19 they must elect to receive net surplus electricity compensation,
20 and that the 12-month period commences when the electric utility
21 receives the eligible customer-generator's election. For an electric
22 utility that is an electrical corporation or electrical cooperative,
23 the commission may adopt requirements for providing notice and
24 the manner by which eligible customer-generators may elect to
25 receive net surplus electricity compensation.

26 (4) (A) *An eligible customer-generator with multiple meters*
27 *may elect to aggregate the electrical load of the meters located*
28 *on the property where the generation facility is located and on all*
29 *property adjacent or contiguous to the property on which the*
30 *generation facility is located, if those properties are solely owned*
31 *by the eligible customer-generator. If the eligible*
32 *customer-generator elects to aggregate the electric load pursuant*
33 *to this paragraph, the electric utility shall use the aggregated load*
34 *for the purpose of determining whether an eligible*
35 *customer-generator is a net consumer or a net surplus*
36 *customer-generator during a 12-month period.*

37 (B) *If an eligible customer-generator chooses to aggregate*
38 *pursuant to subparagraph (A), the eligible customer-generator*
39 *shall be permanently ineligible to receive net surplus electricity*
40 *compensation, and the electric utility shall retain any kilowatthours*

1 *in excess of the eligible customer-generator's aggregated electrical*
2 *load generated during the 12-month period.*

3 ~~(4)~~

4 (5) (A) The ratemaking authority shall establish a net surplus
5 electricity compensation valuation to compensate the net surplus
6 customer-generator for the value of net surplus electricity generated
7 by the net surplus customer-generator. The commission shall
8 establish the valuation in a ratemaking proceeding. The ratemaking
9 authority for a local publicly owned electric utility shall establish
10 the valuation in a public proceeding. The net surplus electricity
11 compensation valuation shall be established so as to provide the
12 net surplus customer-generator just and reasonable compensation
13 for the value of net surplus electricity, while leaving other
14 ratepayers unaffected. The ratemaking authority shall determine
15 whether the compensation will include, where appropriate
16 justification exists, either or both of the following components:

17 (i) The value of the electricity itself.

18 (ii) The value of the renewable attributes of the electricity.

19 (B) In establishing the rate pursuant to subparagraph (A), the
20 ratemaking authority shall ensure that the rate does not result in a
21 shifting of costs between eligible customer-generators and other
22 bundled service customers.

23 ~~(5)~~

24 (6) (A) Upon adoption of the net surplus electricity
25 compensation rate by the ratemaking authority, any renewable
26 energy credit, as defined in Section 399.12, for net surplus
27 electricity purchased by the electric utility shall belong to the
28 electric utility. Any renewable energy credit associated with
29 electricity generated by the eligible customer-generator that is
30 utilized by the eligible customer-generator shall remain the property
31 of the eligible customer-generator.

32 (B) Upon adoption of the net surplus electricity compensation
33 rate by the ratemaking authority, the net surplus electricity
34 purchased by the electric utility shall count toward the electric
35 utility's renewables portfolio standard annual procurement targets
36 for the purposes of paragraph (1) of subdivision (b) of Section
37 399.15, or for a local publicly owned electric utility, the renewables
38 portfolio standard annual procurement targets established pursuant
39 to Section 387.

40 ~~(6)~~

(7) The electric utility shall provide every eligible residential or small commercial customer-generator with net electricity consumption and net surplus electricity generation information with each regular bill. That information shall include the current monetary balance owed the electric utility for net electricity consumed, or the net surplus electricity generated, since the last 12-month period ended. Notwithstanding this subdivision, an electric utility shall permit that customer to pay monthly for net energy consumed.

~~(7)~~
(8) If an eligible residential or small commercial customer-generator terminates the customer relationship with the electric utility, the electric utility shall reconcile the eligible customer-generator's consumption and production of electricity during any part of a 12-month period following the last reconciliation, according to the requirements set forth in this subdivision, except that those requirements shall apply only to the months since the most recent 12-month bill.

~~(8)~~
(9) If an electric service provider or electric utility providing net energy metering to a residential or small commercial customer-generator ceases providing that electric service to that customer during any 12-month period, and the customer-generator enters into a new net energy metering contract or tariff with a new electric service provider or electric utility, the 12-month period, with respect to that new electric service provider or electric utility, shall commence on the date on which the new electric service provider or electric utility first supplies electric service to the customer-generator.

(i) Notwithstanding any other provisions of this section, paragraphs (1), (2), and (3) shall apply to an eligible customer-generator with a capacity of more than 10 kilowatts, but not exceeding one megawatt, that receives electric service from a local publicly owned electric utility that has elected to utilize a co-energy metering program unless the local publicly owned electric utility chooses to provide service for eligible customer-generators with a capacity of more than 10 kilowatts in accordance with subdivisions (g) and (h):

(1) The eligible customer-generator shall be required to utilize a meter, or multiple meters, capable of separately measuring

1 electricity flow in both directions. All meters shall provide
2 time-of-use measurements of electricity flow, and the customer
3 shall take service on a time-of-use rate schedule. If the existing
4 meter of the eligible customer-generator is not a time-of-use meter
5 or is not capable of measuring total flow of electricity in both
6 directions, the eligible customer-generator shall be responsible for
7 all expenses involved in purchasing and installing a meter that is
8 both time-of-use and able to measure total electricity flow in both
9 directions. This subdivision shall not restrict the ability of an
10 eligible customer-generator to utilize any economic incentives
11 provided by a governmental agency or an electric utility to reduce
12 its costs for purchasing and installing a time-of-use meter.

13 (2) The consumption of electricity from the local publicly owned
14 electric utility shall result in a cost to the eligible
15 customer-generator to be priced in accordance with the standard
16 rate charged to the eligible customer-generator in accordance with
17 the rate structure to which the customer would be assigned if the
18 customer did not use a renewable electrical generation facility.
19 The generation of electricity provided to the local publicly owned
20 electric utility shall result in a credit to the eligible
21 customer-generator and shall be priced in accordance with the
22 generation component, established under the applicable structure
23 to which the customer would be assigned if the customer did not
24 use a renewable electrical generation facility.

25 (3) All costs and credits shall be shown on the eligible
26 customer-generator's bill for each billing period. In any months
27 in which the eligible customer-generator has been a net consumer
28 of electricity calculated on the basis of value determined pursuant
29 to paragraph (2), the customer-generator shall owe to the local
30 publicly owned electric utility the balance of electricity costs and
31 credits during that billing period. In any billing period in which
32 the eligible customer-generator has been a net producer of
33 electricity calculated on the basis of value determined pursuant to
34 paragraph (2), the local publicly owned electric utility shall owe
35 to the eligible customer-generator the balance of electricity costs
36 and credits during that billing period. Any net credit to the eligible
37 customer-generator of electricity costs may be carried forward to
38 subsequent billing periods, provided that a local publicly owned
39 electric utility may choose to carry the credit over as a kilowatt-hour
40 credit consistent with the provisions of any applicable contract or

1 tariff, including any differences attributable to the time of
2 generation of the electricity. At the end of each 12-month period,
3 the local publicly owned electric utility may reduce any net credit
4 due to the eligible customer-generator to zero.

5 (j) A renewable electrical generation facility used by an eligible
6 customer-generator shall meet all applicable safety and
7 performance standards established by the National Electrical Code,
8 the Institute of Electrical and Electronics Engineers, and accredited
9 testing laboratories, including Underwriters Laboratories
10 Incorporated and, where applicable, rules of the commission
11 regarding safety and reliability. A customer-generator whose
12 renewable electrical generation facility meets those standards and
13 rules shall not be required to install additional controls, perform
14 or pay for additional tests, or purchase additional liability
15 insurance.

16 (k) If the commission determines that there are cost or revenue
17 obligations for an electrical corporation that may not be recovered
18 from customer-generators acting pursuant to this section, those
19 obligations shall remain within the customer class from which any
20 shortfall occurred and shall not be shifted to any other customer
21 class. Net energy metering and co-energy metering customers shall
22 not be exempt from the public goods charges imposed pursuant to
23 Article 7 (commencing with Section 381), Article 8 (commencing
24 with Section 385), or Article 15 (commencing with Section 399)
25 of Chapter 2.3 of Part 1.

26 (l) A net energy metering, co-energy metering, or wind energy
27 co-metering customer shall reimburse the Department of Water
28 Resources for all charges that would otherwise be imposed on the
29 customer by the commission to recover bond-related costs pursuant
30 to an agreement between the commission and the Department of
31 Water Resources pursuant to Section 80110 of the Water Code,
32 as well as the costs of the department equal to the share of the
33 department's estimated net unavoidable power purchase contract
34 costs attributable to the customer. The commission shall
35 incorporate the determination into an existing proceeding before
36 the commission, and shall ensure that the charges are
37 nonbypassable. Until the commission has made a determination
38 regarding the nonbypassable charges, net energy metering,
39 co-energy metering, and wind energy co-metering shall continue

1 under the same rules, procedures, terms, and conditions as were
2 applicable on December 31, 2002.

3 (m) In implementing the requirements of subdivisions (k) and
4 (l), an eligible customer-generator shall not be required to replace
5 its existing meter except as set forth in paragraph (1) of subdivision
6 (c), nor shall the electric utility require additional measurement of
7 usage beyond that which is necessary for customers in the same
8 rate class as the eligible customer-generator.

9 (n) It is the intent of the Legislature that the Treasurer
10 incorporate net energy metering, including net surplus electricity
11 compensation, co-energy metering, and wind energy co-metering
12 projects undertaken pursuant to this section as sustainable building
13 methods or distributive energy technologies for purposes of
14 evaluating low-income housing projects.

15 ~~SECTION 1. Section 101150 of the Health and Safety Code~~
16 ~~is amended to read:~~

17 ~~101150. (a) For the purpose of protecting the community and~~
18 ~~the public health, the local health department of a city or county~~
19 ~~shall have available the services of a public health laboratory for~~
20 ~~the examination of specimens from suspected cases of infectious~~
21 ~~and environmental diseases, that may include, but need not be~~
22 ~~limited to, the examination of specimens from milk, milk products,~~
23 ~~waters, food products, vectors, and the environment.~~

24 ~~(b) The public health laboratory shall provide the analyses~~
25 ~~required to assist in community disease surveillance and to meet~~
26 ~~the responsibilities and support the programs of the local health~~
27 ~~department.~~

28 ~~(c) In matters concerning the public's health, the public health~~
29 ~~laboratory director shall be responsible to the local health officer~~
30 ~~whose duty it is to enforce the law in accordance with Section~~
31 ~~101030, 101375, 101460, or 101470. This subdivision does not~~
32 ~~preclude the local health department from requiring the public~~
33 ~~health laboratory director to be administratively responsible to~~
34 ~~other local health department personnel.~~

35 ~~(d) After consulting with the health officer, a local health~~
36 ~~department may contract with any official city or county public~~
37 ~~health laboratory or with the laboratories of the State Department~~
38 ~~of Public Health to provide the services required by this chapter.~~

39 ~~(e) The laboratories of the State Department of Public Health~~
40 ~~are hereby designated as the public health laboratory for all local~~

1 health department jurisdictions that do not otherwise have access
2 to local public health laboratory service.

3 SEC. 2. ~~Section 101160 of the Health and Safety Code is~~
4 ~~amended to read:~~

5 101160. (a) ~~Any city or county public health laboratory~~
6 ~~established for the purposes set forth in this chapter and its~~
7 ~~personnel shall be certified by the State Department of Public~~
8 ~~Health to be in compliance with state and federal statutory or~~
9 ~~regulatory requirements pertaining to municipal and county public~~
10 ~~health laboratories and public health laboratory personnel pursuant~~
11 ~~to applicable provisions of Title 17 of the California Code of~~
12 ~~Regulations, including, but not limited to, Sections 1076, 1078,~~
13 ~~and 1079, and in compliance with the requirements of CLIA.~~

14 (b) ~~For purposes of this article, the following terms have the~~
15 ~~following meanings:~~

16 (1) ~~“CLIA” means the federal Clinical Laboratory Improvement~~
17 ~~Amendments of 1988 (42 U.S.C. Sec. 263a; Public Law 100-578)~~
18 ~~and the regulations adopted thereunder by the federal Health Care~~
19 ~~Financing Administration and effective on January 1, 1994, or any~~
20 ~~later date, when adopted in California pursuant to subdivision (b)~~
21 ~~of Section 1208 of the Business and Professions Code.~~

22 (2) ~~“Public health laboratory director” means a person who~~
23 ~~meets the CLIA requirements for laboratory director and who is~~
24 ~~qualified by the State Department of Public Health to direct a~~
25 ~~public health laboratory certified under this article and pursuant~~
26 ~~to applicable provisions of Title 17 of the California Code of~~
27 ~~Regulations, including, but not limited to, Section 1302.~~

28 (3) ~~“Public health microbiologist” means a person who meets~~
29 ~~the CLIA requirements for testing personnel and who is authorized~~
30 ~~to perform laboratory tests or analyses pursuant to a certificate~~
31 ~~issued under this article and applicable provisions of Title 17 of~~
32 ~~the California Code of Regulations, including, but not limited to,~~
33 ~~Section 1079.~~

34 (4) ~~“Public health microbiologist-trainee” means a person~~
35 ~~meeting the academic qualifications and approved by the State~~
36 ~~Department of Public Health to train in an approved public health~~
37 ~~laboratory leading to examination and certification as a public~~
38 ~~health microbiologist under this article and pursuant to applicable~~
39 ~~provisions of Title 17 of the California Code of Regulations,~~
40 ~~including, but not limited to, Section 1080.~~

1 ~~SEC. 3. Section 101161 is added to the Health and Safety Code,~~
2 ~~to read:~~

3 ~~101161. The examination developed pursuant to Section~~
4 ~~1079(e) of Title 17 of the California Code of Regulations shall be~~
5 ~~developed in consultation with the California Association of Public~~
6 ~~Health Laboratory Directors.~~

7 ~~SEC. 4. Section 101162 is added to the Health and Safety Code,~~
8 ~~to read:~~

9 ~~101162. The State Department of Public Health, by January~~
10 ~~1, 2014, shall adopt regulations, in consultation with the California~~
11 ~~Association of Public Health Laboratory Directors, to do all of the~~
12 ~~following:~~

13 ~~(a) Establish minimum requirements for training laboratories~~
14 ~~that train public health microbiologist-trainees.~~

15 ~~(b) Approve of and monitor a program of continuing education~~
16 ~~for public health microbiologists certified pursuant to this article.~~

17 ~~(c) (1) Require a maximum of 12 hours of continuing education~~
18 ~~completed within a 12-month period, or 24 hours of continuing~~
19 ~~education completed within a 24-month period, as a condition for~~
20 ~~renewal of a certificate issued under this article.~~

21 ~~(2) The department may charge public health microbiologists~~
22 ~~a fee, not exceeding the reasonable amount necessary to cover the~~
23 ~~costs of providing, approving, and monitoring the continuing~~
24 ~~education program, as applicable. No fee shall be imposed on a~~
25 ~~public health laboratory, or county or city health department, for~~
26 ~~approving or renewing any certificate or maintaining the continuing~~
27 ~~education program pursuant to this article.~~

28 ~~SEC. 5. If the Commission on State Mandates determines that~~
29 ~~this act contains costs mandated by the state, reimbursement to~~
30 ~~local agencies and school districts for those costs shall be made~~
31 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
32 ~~4 of Title 2 of the Government Code.~~